

**Remarks**

This communication is considered fully responsive to the second non-final Office Action mailed June 9, 2005. Claims 1-24 were examined. Claims 1-24 stand rejected. Claims 6, 7 and 12 are amended. No claims are canceled. Claims 25-30 have been added. Reexamination and reconsideration of claims 1-30 are respectfully requested.

**New Claims**

New claims 25-30 provide further clarification of the recitations "opportunistically establishing a communication link." Support for this clarification is found in the specification as originally filed, e.g., on pages 7-8. No new matter is added by the new claims.

**Claim Rejections - 35 U.S.C. 112**

The Office Action rejected claim 7 under 35 U.S.C. 112, second paragraph, because "said transmitter" had insufficient antecedent basis. Claim 7 has been amended to recite "said transceiver." Applicant appreciates the examiner noting this typographical error in the original claim. Applicant also amended claim 6 to recite "said transceiver."

**Claim Rejections - 35 U.S.C. 102(e)**

The Office Action rejected claims 1-8 and 11-24 under 35 U.S.C. 102(e) as being unpatentable over U.S. Patent Publication No. 2002/0032027A1 to

Kirani, et al. (hereinafter referred to as "Kirani"). Applicant respectfully traverses this rejection.

Claim 1 positively recites "a communication controller for opportunistically establishing communication between said electronic device and at least one remote transport device" (emphasis added). Kirani fails to disclose at least these recitations.

The Office Action cites to Kirani (page 18, paragraph 175). This passage states that the "server computer fetches successive record(s) at the next opportunity, either during the current connection or during the next connection." The Office Action is misconstruing the word "opportunity" in Kirani. Kirani is referring to the server being able to fetch records during the current connection or during the next connection. There is no teaching or suggestion that the electronic device has a communication controller for opportunistically establishing connections, e.g., with various remote transport devices the user encounters.

The Office Action also cites to Kirani (page 17, paragraph 167). This passage states that "each time the imaging device or camera is connected (directly or indirectly) to the main data storage, there exists an opportunity to send one or more extra layers." Again, the Office Action is misconstruing the word "opportunity" in Kirani. Kirani is referring to the camera being able to send one or more layers during the each connection. There is no teaching or suggestion that the electronic device has a communication controller for opportunistically establishing connections, e.g., with various remote transport devices the user encounters.

For at least the foregoing reasons claim 1 is believed to be allowable over the cited references and Applicant respectfully requests withdrawal of the rejection of claim 1.

Claims 2-8 and 11 depend from claim 1, which is believed to be allowable. Therefore, claims 2-8 and 11 are also believed to be allowable for at least the same reasons as claim 1. Withdrawal of the rejection of claims 2-8 and 11 is respectfully requested.

In addition, claim 2 further recites "a memory controller for singly deleting said digital data that corresponds to said transmitted copies of said packets." The Office Action relies on Kirani (page 17, paragraph 0174) as disclosing these recitations. However, this passage discloses setting a record entry to NULL after it has been fetched so that the corresponding record can be deleted." In other words, the entire record must be fetched before the record is deleted. There is no teaching of singly deleting digital data that corresponds to transmitted copies of packets.

The Office Action also relies on Kirani (page 20, paragraph 0198) as disclosing these recitations. However, there is simply no discussion of deleting anything in this paragraph.

For at least these reasons claim 2 is believed to be allowable over the cited references and Applicant respectfully requests withdrawal of the rejection of claim 2.

Claim 3 further recites "a user selects ones of said digital data corresponding to said transmitted copies of said packets for deletion." The Office Action cites to Kirani (page 7, paragraph 0091) as disclosing these

recitations. This passage discloses an interface that is capable of receiving input from users and "allows the operator to delete unwanted photos or tag photos for wireless transmission." There is no teaching or suggestion that the user can select digital data corresponding to transmitted copies of packets for deletion. For at least these reasons claim 3 is believed to be allowable over the cited references and Applicant respectfully requests withdrawal of the rejection of claim 3.

Claim 7 further recites "said transceiver sends multiple copies of each transmitted packet." The Office Action cites to Kirani (page 17, paragraph 0174) as disclosing these recitations. This passage discloses a methodology for transferring image data. However, there is no teaching or suggestion of sending multiple copies of each transmitted packet. For at least these reasons claim 7 is believed to be allowable over the cited references and Applicant respectfully requests withdrawal of the rejection of claim 7.

Claim 12 is amended to positively recite "opportunistically establishing a communication link with at least one neighboring electronic device." As discussed above for claim 1, Kirani fails to disclose at least these recitations. For at least these reasons claim 12 is believed to be allowable over the cited references and Applicant respectfully requests withdrawal of the rejection of claim 12.

Claims 13-20 depend from claim 12, which is believed to be allowable. Therefore, claims 13-20 are also believed to be allowable for at least the same reasons as claim 12. Withdrawal of the rejection of claims 13-20 is respectfully requested.

In addition, claim 15 further recites "broadcasting a hail within a transmission radius centered about said electronic device." The Office Action cites to Kirani (elements 910 and 911 in Figure 9) as disclosing these recitations. Figure 9 shows a cellular phone device 911 which communicates through a wireless network 910. There is no teaching or suggestion, however, of broadcasting a hail within a transmission radius centered about the electronic device. For at least these reasons claim 15 is believed to be allowable over the cited references and Applicant respectfully requests withdrawal of the rejection of claim 15.

Claim 16 further recites "transmitting additional copies of said single packet to other of said at least one neighboring electronic device." The Office Action fails to provide any support in Kirani other than the bald statement that "Kirani teaches the method of claim 12." For at least these reasons claim 16 is believed to be allowable over the cited references and Applicant respectfully requests withdrawal of the rejection of claim 16.

Claim 20 further recites "checking said transmitted copy for errors." The Office Action cites to Kirani (page 13, paragraph 0137) as disclosing these recitations. This is a discussion of file compression, but there is no disclosure of checking for errors. If anything, this passage teaches against checking for errors:

"Loss of image information at this point, which is quite small, is due only to digital rounding errors. If desired, however, additional compression techniques, including lossy ones, may be applied . . . ."

Lossy methods produce very compressed files, but with some loss when they are restored. Accordingly, Kirani teaches a method in which there is no need to check for errors because loss in picture quality is tolerable.

The Office Action also cites to Kirani (page 17, paragraph 0174) as disclosing these recitations. This is a discussion of the methodology for transferring image data, but there is no disclosure of checking for errors.

For at least these reasons claim 20 is believed to be allowable over the cited references and Applicant respectfully requests withdrawal of the rejection of claim 20.

Claim 21 positively recites "means for hailing surrounding transport devices" and "means for establishing communication channels with ones of said surrounding transport devices responding to said hail." As discussed above for claim 15, Kirani fails to disclose at least these recitations. For at least these reasons claim 21 is believed to be allowable over the cited references and Applicant respectfully requests withdrawal of the rejection of claim 21.

Claims 22-24 depend from claim 21, which is believed to be allowable. Therefore, claims 22-24 are also believed to be allowable for at least the same reasons as claim 21. Withdrawal of the rejection of claims 22-24 is respectfully requested.

In addition, claim 24 positively recites "means for checking errors in said forwarded copies." As discussed above for claim 20, Kirani fails to disclose at least these recitations. For at least these reasons claim 24 is believed to be allowable over the cited references and Applicant respectfully requests withdrawal of the rejection of claim 24.

**Claim Rejections - 35 U.S.C. 103(a)**

The Office Action rejected claims 9 and 10 under 35 U.S.C. 103(a) as being unpatentable over Kirani in view of U.S. Patent No. 6,891,567 to Steinberg (hereinafter referred to as "Steinberg"). Applicant respectfully traverses this rejection.

Claims 9 and 10 depend from claim 1. Claim 1 is believed to be allowable for the reasons set forth above. Therefore, it follows that claims 9 and 10 are also allowable for at least these reasons.

If identification of every recitation in the prior art were sufficient to negate patentability, very few patents would ever issue since many inventions are combinations of known elements. See *Environmental Designs, Ltd. v. Union Oil Co.*, 218 USPQ 865, 870 (Fed. Cir. 1983). There must be some motivation, suggestion or teaching of the desirability of making the claimed combination in order to establish a prima facie case of obviousness. MPEP at §2143.01. Motivation to combine Kirani and Steinberg is clearly lacking.

Although both references relate generally to digital photography, simply concluding that the references pertain to the same general technology is not sufficient to show motivation for combining the references.

Specifically, Steinberg discloses a digital photography messaging and advertisement system. See, e.g., the Abstract. Although the digital camera includes a transceiver, the transceiver transmits a signal conveying the camera identification to a message center. The message center in turn packages messages identified for the particular camera/user and transmits them to the

camera to display for the user. Therefore, Steinberg does not even pertain to the claimed invention (i.e., managing memory resources for an electronic device).

For at least the foregoing reasons claims 9 and 10 are believed to be allowable over the cited references and Applicant respectfully requests withdrawal of the rejection of claims 9 and 10.



**Conclusion**

The Applicant respectfully requests that a timely Notice of Allowance be issued in this matter.

Respectfully Submitted,

Dated: Aug 29, 2005 By: Mark D. Trenner

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